

REMARKS

Applicant recognizes with appreciation that the Examiners have conducted a telephone interview with one of the inventor, Prof. Yves Henrotin, assignee's representative – Dr. Nicole Antheunis and Applicant's representatives on November 30, 2007. During the interview, possible improvement on the proposed amendment was discussed.

In this Amendment, Applicant has cancelled Claims 2 – 4 and 7 without prejudice or disclaimer, amended Claims 1 and 5 and added new Claim 27 to overcome the rejections and further specify the embodiments of the present invention. It is respectfully submitted that no new matter has been introduced by the amended claims. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

OATH/DECLARATION:

A substitute declaration including the residence address for inventor Stephan Christgau was submitted on June 14, 2007. Copies of the Substitute Declaration, transmittal and post card is enclosed.

CLAIM OBJECTION:

Claim 1 has been objected as containing certain informalities.

It is respectfully submitted that Claim 1 has been amended to correct the informalities by adding “the” between “comprising” and “sequence”.

Therefore, the objection to claim has been overcome and withdrawal of objection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 112 FIRST PARAGRAPH:

Claims 1 – 7 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement and enablement requirement.

It is respectfully submitted that the rejections have been overcome by this amendment. More specifically, Claims 2 – 4 and 7 have been cancelled. The rejection to these claims is moot. In addition, Claim 1 has been amended to delete “a free fragment form” and “an amino acid sequence in a free fragment form comprising sequence HRGYPLDG (SEQ ID NO: 1) and a nitrated tyrosine”. Furthermore, Claim 1 has been amended to define the present invention that is sufficiently supported and enabled by the specification. The specification (including the examples) and the research conducted by the inventors support the claimed method by distinguishing between the antibody’s affinity to the nitrated tyrosine and non-nitrated tyrosine in relevant sequences. There are the inherent characteristics of the present invention. For example, paragraph [0049] of the published specification disclosed the method used to define the binding affinity of the antibody. “Antisera will be screened for their ability to bind the desired epitope and their amount of cross-reactivity to the non-nitrated epitope. Antisera from the most promising host may be used in their crude or purified”. Further, this approach was clearly exemplified for D37”. This screening method has been exemplified (Example 1).

Moreover, the sequence of LOY-NO2-MRA was added since it shares the same technical feature that is a contribution over the prior art. Thus, these features are sufficiently described in the specification that enables a person of ordinary skill in the art to practice the invention.

Therefore, the rejection under 35 U.S.C. § 112, first paragraph, has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, first paragraph, is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 112 SECOND PARAGRAPH:

Claims 2 – 7 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is respectfully submitted that the rejections have been overcome by this amendment. More specifically, Claims 2 – 4 and 7 have been cancelled. The rejection to these claims is moot. In addition, Claims 3 and 5 have been amended to delete or rephrase the terms rejected by the Examiner. Thus, they are clear to a person of ordinary skill in the art.

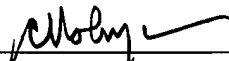
Therefore, the rejection under 35 U.S.C. § 112, second paragraph, has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

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Enclosures:

Copies of the substitute Declaration, transmittal and post card submitted on June 14, 2007